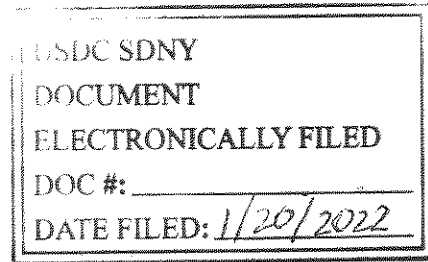


UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK



Ilya Vett,

Plaintiff,

-against-

City of New York, et al.

Defendants.

No. 20-cv-2945

SUPPLEMENTAL GRANTING DEFENDANTS' MOTION TO DISMISS PLAINTIFF'S
STATE LAW FALSE ARREST CLAIM

McMahon, J:

On January 5, 2022, this court issued a decision granting in part and denying in part Defendants' motion to dismiss the above captioned action. *See* Docket No. 30. In that opinion, the court declined to dismiss Plaintiff's state law false arrest claim for failure to timely file a notice of claim within 90 days of his release from custody, as required by N.Y. Gen. Mun. law §50-e and 50-i(1). I indicated that I could not dismiss that claim on that ground because Plaintiff did not allege exactly when he was released from custody, but that I would enter a supplemental order dismissing the state false arrest claim as against all Defendants if any party wished to supplement the record and provide the date on which Plaintiff was released from custody (on bail or otherwise) following his arrest and arraignment.


Defendants have taken me up on that offer.

On January 6, 2022, Defendants filed a letter attaching Plaintiff's On-Line Prisoner Arraignment ("OLPA") form. *See* Docket No. 31. According to that form, Plaintiff was released from custody on his own recognizance on September 22, 2018. So Plaintiff was indeed released

more than 90 days prior to May 31, 2019, the date on which he filed his notice of claim. Plaintiff has not responded to Defendants' January 6 letter.

Plaintiff's state law false arrest claim is dismissed with prejudice for failure to timely file a notice of claim. Defendants' motion to dismiss Count I (state false arrest) is hereby GRANTED as to all Defendants.

Dated: January 20, 2022

A handwritten signature in black ink, appearing to read "P. Allen", written over a horizontal line.

U.S.D.J.

BY ECF TO ALL COUNSEL